

MINUTES
Herkimer County Legislature
Fourth Quarter – Second Day
Wednesday, October 27, 2010
7:30 p.m.

The Public Hearing on Introductory Local Law No. 2 for 2010 was called to order at 7:00 p.m. by Patrick E. Russell, Chairman of the Committee on Ways and Means. The clerk read the notice of the meeting. Mr. Russell asked if there was anyone wishing to speak on the local law. There were no appearances, and the hearing was declared closed at 7:04 p.m.

This Session of the Herkimer County Legislature was called to order by Chairman Raymond Smith at 7:30 p.m.

Chairman Smith called on Budget Officer Bernard Decker to lead the Legislature in the Pledge of Allegiance.

Roll Call: Quorum present, the following answering the roll:

Present: Piseck, Rose, Keblish, Maneen, Stone, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (17).

Absent: None.

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Smith asked if there were any objections or corrections to the minutes of October 6, 2010. There were no objections and the minutes were approved.

Leonard Hendrix requested permission to present a videotape of a portion of the meeting of the State Commission on Corrections concerning the Herkimer County Jail which held on October 19, 2010. Chairman Smith dispensed with the formal session to allow for the presentation.

Pursuant to Rule 11, Chairman Smith opened the floor for public comment. There were no individuals signed up to speak.

Chairman Smith stated that the communications received by the Legislature and the committees to which they were referred were as listed on the agenda and asked if any member of the Legislature requested mention of any particular communication. No requests were made.

No. 369– A communication was received from the Director of Public Health submitting annual evaluation of Certified Home Health Agency. Referred to the Committee on Human Resources.

No. 370 – A communication was received from the Chairman of the County Legislature concerning membership on the Office for Aging Advisory Council. Referred to the Committee on Human Resources.

No. 371 – A communication was received from the Office of Children and Family Services advising of reduction in youth funding. Referred to the Committee on County Planning and Development.

No. 372 - A communication was received from the County Attorney advising of the receipt of a Notice of Claim. Referred to the Committee on Ways and Means.

No. 373– A communication was received from Hon. Henry A. LaRaia, Family Court Judge advising of his resignation from the STOP-DWI Advisory Board effective December 31, 2010.

No. 374 – A communication was received from the State Department of Health concerning Diagnostic and Treatment Center Survey. Ordered filed.

No. 375 - A communication was received from Assemblyman Butler acknowledging receipt of a resolution. Ordered filed.

No. 376 – A communication was received from ProAct, Inc. submitting the Prescription Drug Card Savings Report for September. Ordered filed.

No. 377 – A communication was received from the STOP-DWI Coordinator submitting the 2011 STOP-DWI Plan. Referred to the Committee on Public Safety and Emergency Management.

No. 378 – A communication was received from the Chairman of the Legislature reappointing Bernard Peplinski to the Regional Fish and Wildlife Management Board. Referred to the Committee on Natural Resources.

No. 379 – A communication was received from Arlene Broat submitting her resignation from the Workforce Investment board. Referred to the Committee on County Planning and Development.

No. 380 – A communication was received from the Commissioner of Social Services requesting memorandum of understanding with Office for Aging for services under Home Energy Assistance program. Referred to the Committee on Human Resources.

No. 381 – A communication was received from the Chairman of the Sewer District Board submitting a resolution for approval of the Legislature. Referred to the Committees on Natural Resources and Ways and Means.

No. 382 – A communication was received from the Budget Officer submitting request for budget amendment in connection with Homeland Security Grant for the Sheriff's Department.

Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 383 – A communication was received from the Budget Officer submitting request for a budget amendment in connection with the Criminal Alien Assistance Program in the Sheriff's Department. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 384 – A communication was received from the Chairman of the Commission of Corrections advising of the approval of a 30 day variance to operation the Herkimer County Correctional Facility. Referred to the Committee on Public Safety/Emergency Management.

No. 385 – A communication was received from the County Auditor advising of the receipt of a request from coroners physician for increase in per diem fee. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 386 – A communication was received from the Executive Director of the Youth Bureau requesting a contract for a speaker on the topic of bullying through the Youth Violence Prevention Committee. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

No. 389 – A communication was received from the Budget Officer submitting request for transfer of funds in the Sewer District. Referred to the Committee on Natural Resources and the Committee on Ways and Means.

No. 390 – A communication was received from the Sewer District submitting the Assessment roll. Referred to the Committee on Natural Resources and the Committee on Ways and Means.

No. 391 – A communication was received from the Director of Employment and Training requesting an agreement with Herkimer County BOCES. Referred to the Committee on County Planning and Development.

No. 392 – A communication was received from the Publicity Director, Town of Webb requesting the County's guarantee of 2011 tourism matching funds. Referred to the Committee on County Planning and Development.

No. 393 – A communication was received from the Town of Webb requesting designation as Tourist Promotion Agency. Referred to the Committee on County Planning and Development.

No. 394 – A communication was received from the Sheriff submitting the monthly report for September. Referred to the Committee on Public Safety and Emergency Management.

On motion of Mr. Russell, seconded by Mr. Peplinski, Report and Resolution No. 274 of the Committee on Ways and Means regarding Introductory Local Law No. 2 for 2010 was handed up; debate was held; was voted on and adopted by roll call vote:

For: Piseck, Rose, Keblish, Maneen, Stone, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

No. 274

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
REGARDING INTRODUCTORY LOCAL LAW NO. 2 FOR 2010**

Your Committee on Ways and Means of the Herkimer County Legislature desires to report that on the 27th day of October, 2010, pursuant to Resolution No. 273, it held a public hearing on the adoption of Introductory Local Law No. 2 for 2010 entitled, "A LOCAL LAW TO IMPOSE A MORTGAGE RECORDING TAX WITHIN THE COUNTY OF HERKIMER"; and that there were (no) appearances and (no) objections at the said public hearing; that your Committee advises the adoption and enactment of the said Introductory Local Law and offers the following Resolution:

RESOLVED, that Introductory Local Law No. 2 for 2010 be adopted in form attached hereto.

Dated: October 27, 2010.

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

INTRODUCTORY LOCAL LAW NO. 2 – 2010

LOCAL LAW NO. 1 – 2010

**A LOCAL LAW TO IMPOSE A MORTGAGE RECORDING TAX WITHIN THE
COUNTY OF HERKIMER**

Be it enacted by the County Legislature of the County of Herkimer as follows:

Section 1. Imposition of Tax

Pursuant to Section 253-u of the Tax Law, as extended by Chapter 481 of the Laws of 2010, there is hereby imposed in the County of Herkimer a tax of \$0.25 for each \$100 and each remaining major fraction thereof of principal debt or obligation, which is or under any contingency may be secured at the date of execution thereof or at any time thereafter, by a mortgage on real property situated within the County of Herkimer and recorded on and after December 1, 2010, and a tax of \$0.25 on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than \$100.00. This local law hereby continues without interruption the imposition of the Herkimer County Mortgage Recording Tax as authorized by Herkimer County Local Law No. 3 for 2005.

Section 2. Applicability

The taxes imposed under the authority of this local law shall be administered and collected in the same manner as the taxes imposed under Section 253.1 and Section 255.1(b) of the Tax Law.

Section 3. Additional Taxes

A tax imposed pursuant to this local law shall be in addition to the taxes imposed by Section 253 of the Tax Law.

Section 4. Payment of Taxes

The tax imposed pursuant to this local law shall be payable on the recording of each mortgage of real property subject to taxes thereunder. Such tax shall be paid to the recording officer of the county in which the real property or any part thereof is situated. Where such property is situated within and without the county imposing this tax, the recording officer of the jurisdiction in which the mortgage is first recorded shall be required to collect the taxes imposed herein. It shall be the duty of such recording officer to endorse upon each mortgage a receipt for the amount of the tax so paid. Any mortgage so endorsed may thereupon or thereafter be recorded by any recording officer and the receipt of such tax endorsed upon each mortgage shall be recorded therewith. The record of such receipt shall be conclusive proof that the amount of tax stated therein has been paid upon such mortgage.

Section 5. Real Property Located in More than One County

Where real property covered by the mortgage subject to the tax imposed pursuant to this local law is situated in the State of New York but within and without the County of Herkimer, the amount of such tax due and payable to the County of Herkimer shall be determined in a manner similar to that prescribed in the first paragraph of Section 260 of the Tax Law.

Where such property is situated both within Herkimer County and without the State, the amount due and payable in Herkimer County shall be determined in the manner prescribed in the second paragraph of such Section 260.

Section 6. Disposition of Taxes

Notwithstanding any provision of Article 11 of the Tax Law to the contrary, the balance of all monies paid to the recording officer of the County of Herkimer during each month upon account of the tax imposed pursuant to this local law, after deduction of the necessary expenses of his office as provided in Section 262 of the Tax Law, except taxes paid upon mortgages which under the provisions of this local law or Section 260 of the Tax Law are first to be apportioned by the New York State Commissioner of Taxation and Finance, shall be paid over by such officer on or before the tenth day of each succeeding month to the Treasurer of the County of Herkimer and, after the deduction by such Treasurer of the necessary expenses of his or her office provided in Section 262 of the Tax Law, shall be deposited in the General Fund of the County of Herkimer for expenditure on any county purpose. Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property situated in two or more counties, which under the provisions of this local law or Section 260 of the Tax Law are first to be apportioned by the Commissioner of Taxation and Finance, shall be paid over by the recording officer receiving the same as provided by the determination of the Commissioner.

Section 7. Expiration Date

The tax imposed by this local law shall be effective from December 1, 2010 to December 1, 2012.

Section 8. Effective Date

This local law shall become effective on the first day of December, 2010, provided that a certified copy thereof is mailed by registered or certified mail to the Commissioner of Taxation and Finance at the Commissioner's Office in Albany at least thirty days prior to the date the local law shall take effect. Certified copies of any local law described in this section shall also be filed with the Herkimer County Clerk, the Secretary of State and the State Comptroller within five days after the local law is duly enacted.

Dated: October 27, 2010.

On motion of Mr. Hendrix, seconded by Mr. Hyde, Report and Resolution No. 275 of the Committee on Public Safety/Emergency Management approving monthly report of Sheriff, was handed up; there being no debate, was voted on and adopted by voice vote:

For: Piseck, Rose, Keblish, Maneen, Stone, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

No. 275

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT APPROVING MONTHLY REPORT OF SHERIFF

WHEREAS, your Public Safety & Emergency Management Committee, to which was referred the report of the Sheriff for the month of August, 2010 respectfully reports that we have examined said report, recommend that it be approved and offer the following Resolution:

RESOLVED, that the report of the Herkimer County Sheriff for the month of August, 2010, which report reflects an average daily population of 59.03 inmates, with an average of 28.47 inmates being boarded out in August, be approved and filed.

Dated: October 27, 2010.

LEONARD R. HENDRIX
VINCENT J. BONO
JEFFREY M. STONE
DENNIS KORCE
ROBERT N. HYDE
BRUCE WEAKLEY
**Committee on Public Safety and
Emergency Management**

On motion of Mr. Bono, seconded by Mr. Peplinski and Mrs. Maneen, Report and Resolution No. 276 of the Committee on Human Resources confirming appointment and reappointments to Herkimer County Office for Aging Advisory Council was handed up; debate was held, was handed up, voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 276

REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES CONFIRMING APPOINTMENT AND REAPPOINTMENTS TO THE HERKIMER COUNTY OFFICE FOR AGING ADVISORY COUNCIL

WHEREAS, the Chairman of the Herkimer County Legislature, by letter dated October 13, 2010, has made an appointment and reappointments to the Office for Aging Advisory Council; now, therefore, be it

RESOLVED, that the following appointment and reappointments to the Office for the Aging Advisory Council be, and hereby are ratified and confirmed:

New Appointment:

For term of 10/2010 – 10/2013:

Jean Stapleton, 725 Johnson Avenue, Herkimer, NY 13350

Reappointment:

For term of 10/2010-10/2013:

Barbara Curran, PO Box 340, Newport, NY 13416

Carl Marucci, Adirondack Bank, 500 E. Main Street, Little Falls, NY 13365

Elizabeth Schrader, PO Box 82, Middleville, NY 13406

Lynne Swartz, PO Box 374, Middleville, NY 13406

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Director of the Herkimer County Office for the Aging and each appointee.

Dated: October 27, 2010.

VINCENT J. BONO
JOHN J. PISECK, JR.
JEAN E. MANEEN
PETER F. MANNO
LEONARD R. HENDRIX
PATRICK E. RUSSELL
Committee on Human Resources

On motion of Mr. Hendrix, seconded by Mr. Hyde, Report and Resolution No. 277 of the Committee on Public Safety and Emergency Management approving 2011 STOP-DWI Plan was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 277

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND
EMERGENCY MANAGEMENT APPROVING 2011 STOP-DWI PLAN**

WHEREAS, the New York State Legislature, by Chapter 913 of the Laws of 1981, established a Special Traffic Options Program for Driving While Intoxicated; and

WHEREAS, the said Law provides for the establishment of such a program by the counties of the State of New York; and

WHEREAS, the Herkimer County Legislature authorized by Resolution No. 270 for the year 1981, participation by the County of Herkimer in the STOP-DWI Program; and

WHEREAS, by letter dated September 29, 2010, Michael L. Edwards, STOP-DWI Coordinator, has submitted the STOP-DWI Plan for the year 2011 for approval by this Legislature; now, therefore, be it

RESOLVED:

1. That the Herkimer County Legislature hereby approves the STOP-DWI Plan for 2011;
2. That the funds accrued in the year 2010 and prior thereto be expended for the continuance of the STOP-DWI Program;
3. That the STOP-DWI Coordinator and Advisory Board submit timely reports regarding revenue obtained and expended within limits previously approved, to the appropriate committees of the County Legislature;
4. That the previous resolutions regarding the STOP-DWI Program be continued as resolved;
5. That certified copies of this Resolution be forwarded to the County Treasurer, Auditor, Budget Officer, STOP-DWI Coordinator and the New York State Department of Motor Vehicles.

Dated: October 27, 2010.

LEONARD R. HENDRIX
VINCENT J. BONO
JEFFREY M. STONE
DENNIS KORCE
ROBERT N. HYDE
BRUCE WEAKLEY
**Committee on Public Safety and
Emergency Management**

On motion of Mr. Bono, seconded by Mr. Ackerman, Report and Resolution No. 278 of the Committee on Ways and Means and the Committee on Human Resources authorizing Memorandum of Understanding between Dept. of Social Services and Office for the Aging for

Home Energy Assistance Program Services was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 278

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES
AUTHORIZING MEMORANDUM OF UNDERSTANDING BETWEEN THE
HERKIMER COUNTY DEPARTMENT OF SOCIAL SERVICES AND THE
HERKIMER COUNTY OFFICE FOR THE AGING FOR HOME ENERGY
ASSISTANCE PROGRAM SERVICES**

WHEREAS, your Committee has been informed by letter dated October 1, 2010 from Ervin J. Fuller, Commissioner of Social Services, that a proposed memorandum of understanding has been submitted to and accepted for the Herkimer County Office for the Aging to provide services to the Herkimer County Department of Social Services under the Home Energy Assistance Program (HEAP) for applicants 60 years and older for the 2010-2011 season; and

WHEREAS, the Herkimer County Department of Social Services agrees to pay the Herkimer County Office for the Aging 25% of the Department of Social Services HEAP administrative allocation for the Home Energy Assistance Program for the year commencing August 1, 2010; and

WHEREAS, the Home Energy Assistance Program is 100% federally funded and there are sufficient monies budgeted for said services; now, therefore, be it

RESOLVED, that this Legislature hereby authorizes a Memorandum of Understanding between the Herkimer County Department of Social Services and the Herkimer County Office for the Aging which will provide for the Office for the Aging to provide services for the Home Energy Assistance Program for applicants 60 years and older commencing August 1, 2010 and the Herkimer County Department of Social Services will pay the Office for the Aging 25% of the Department of Social Services HEAP administrative funds for said services; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to sign said Memorandum of Understanding as an indication of the approval of the same by this Legislature; and, be it further

RESOLVED, that should any further additional funds be received for the 2010-2011 HEAP season, the Herkimer County Department of Social Services is hereby authorized to pass those funds on to the Office for the Aging on a pro-rated basis; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Acting County Treasurer, Auditor, Budget Officer, Director of the Office for the Aging and the Commissioner of Social Services.

Dated: October 27, 2010.

VINCENT J. BONO
JOHN J. PISECK, JR.
JEAN E. MANEEN
PETER F. MANNO
LEONARD R. HENDRIX
PATRICKK E. RUSSELL
Committee on Human Resources

On motion of Mr. Shaw, seconded by Mr. Weakley, Report and Resolution No. 279 of the Committee on Natural Resources reappointing member to Regional Fish and Wildlife Management Board was handed up; there being no debate, was voted on and adopted by voice vote:

For: ayes (16).

Against: None.

Abstain: Peplinski (1).

Absent: None.

No. 279

**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES
APPOINTING MEMBER TO REGIONAL FISH AND WILDLIFE MANAGEMENT
BOARD**

RESOLVED, that the reappointment of Bernard Peplinski, Sr., 793 State Rte. 51, Ilion, New York, as landowner representative to the Regional Fish and Wildlife Management Board, made by the Chairman of the Legislature, by letter dated October 18, 2010, be and hereby is, ratified and confirmed, which term shall expire on December 31, 2012; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Regional Supervisor of Fish and Wildlife at Region 6 of the New York State Department of Environmental Conservation and Bernard Peplinski, Sr.

Dated: October 27, 2010.

BERNARD PEPLINSKI, SR.
FREDERICK J. SHAW, JR.
DENNIS KORCE
BRUCE WEAKLEY

PETER F. MANNO
JOHN L. BREZINSKI
Committee on Natural Resources

On motion of Mr. Peplinski, seconded by Mr. Shaw, Report and Resolution No. 280 of the Committee on Natural Resources and the Committee on Ways and Means approving award of Local Limit Recalculation Services was handed up; there being no discussion, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 280

**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES
AND THE COMMITTEE ON WAYS AND MEANS APPROVING AWARD OF LOCAL
LIMIT RECALCULATION SERVICES**

WHEREAS, by letter dated September 27, 2010, Keneck Skibinski, Chief Plant Operator at the Herkimer County Sewer District, has advised that by action on September 15, 2010, the Herkimer County Sewer District Board adopted a resolution recommending award of an agreement to retain the services of GHD(formerly Stearns and Wheler) to perform the five year review and recalculation of local limits at the Herkimer County Wastewater Treatment Plant, at a fee of \$6,300.00; and

WHEREAS, this Resolution has been forwarded to the Herkimer County Legislature for approval prior to its becoming effective; now, therefore, be it

RESOLVED, that this Legislature hereby approves a resolution duly adopted by the Herkimer County Sewer District Board on September 15, 2010 approving an agreement with GHD (formerly Stearns and Wheler) to provide the five year Local Limits Recalculation Project at the Wastewater Treatment Plant at a cost of \$6,300.00; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute said agreement on behalf of the County of Herkimer; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer and the Herkimer County Sewer District.

Dated: October 27, 2010.

BERNARD PEPLINSKI, SR.

FREDERICK J. SHAW, JR.
DENNIS KORCE
BRUCE WEAKLEY
PETER F. MANNO
JOHN L. BREZINSKI
Committee on Natural Resources

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI
Committee on Ways and Means

On motion of Mr. Hendrix, seconded by Mr. Russell, Report and Resolution No. 281 of the Committee on Public Safety and Emergency Management and the Committee on Ways and Means concerning per diem rate for coroners' physicians was handed up; there being no discussion, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 281

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS CONCERNING PER DIEM RATE FOR CORONERS' PHYSICIANS

WHEREAS, by resolutions previously adopted, physicians were appointed as Coroners' Physicians in and for the County of Herkimer pursuant to authority granted to the Legislature by County Law Section 400(4-b) at a per diem rate of \$75.00 as set by Resolution No. 235 of 1999; and

WHEREAS by letter dated October 1, 2010 from the County Auditor's Office this Legislature is advised of a request from a coroners' physician to increase said per diem rate to \$90.00; now, therefore, be it

RESOLVED, that the per diem rate paid to coroners' physicians for the County of Herkimer shall be increased from \$75.00 to \$90.00, plus reimbursables, retroactive to October 1, 2010; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer and coroners' physicians for the County of Herkimer.

Dated: October 27, 2010.

LEONARD R. HENDRIX
VINCENT J. BONO
JEFFREY M. STONE
DENNIS KORCE
ROBERT N. HYDE
BRUCE WEAKLEY
**Committee on Public Safety and
Emergency Management**

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

On motion of Mr. Hendrix, seconded by Mr. Stone, Report and Resolution No. 282 of the Committee on Public Safety and Emergency Management and the Committee on Ways and Means amending budget for Homeland Security Funding for Sheriff's Department was handed up; there being no discussion, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 282

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND
EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS
AMENDING BUDGET FOR HOMELAND SECURITY FUNDING FOR SHERIFF'S
DEPARTMENT**

WHEREAS, by Resolution No. 210 dated July 21, 2010, this Legislature authorized the Chairman to execute a contract with the New York State Department of Homeland Security to receive a grant in the amount of \$53,500.00, which grant is under the Law Enforcement Terrorism Prevention Program; and

WHEREAS, by letter dated October 21, 2010, from Bernard E. Decker, this Legislature is advised that it will be necessary to amend the 2010 Herkimer County Budget in connection with the receipt of said funding; now, therefore, be it

RESOLVED, that the Herkimer County Budget is hereby amended as follows:

<u>Revenue</u>	<u>From:</u>	<u>To:</u>
A3110A.3389F, State Aid Homeland Security Grant, Sheriff	\$-0-	\$53,500.00
<u>Appropriation</u>		
A3110A.10000-001, Homeland Security Grant - Salaries	\$ 1,102.00	\$14,642.00
A3110A.25000, Homeland Security Grant – Other Equipment	\$45,846.49	\$72,836.49
A3110A.42100, Homeland Security Grant – Telephone	\$12,483.91	\$25,353.91
A3110A.4100, Homeland Security Grant – Supplies & Materials	\$-0-	\$ 100.00

And, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer and Sheriff.

Dated: October 27, 2010.

LEONARD R. HENDRIX
VINCENT J. BONO
JEFFREY M. STONE
DENNIS KORCE
ROBERT N. HYDE
BRUCE WEAKLEY
**Committee on Public Safety and
Emergency Management**

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

On motion of Mr. Hyde, seconded by Mr. Hendrix, Report and Resolution No. 283 of the Committee on Public Safety/Emergency Management amending 2010 Budget in connection with funding in Sheriff's Department was handed up; discussion was held, was voted on and adopted by voice vote:

For: Ayes (16). Against: Rose (1).

Absent: None.

No. 283

REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AND THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT AMENDING 2008 BUDGET IN CONNECTION WITH FUNDING IN SHERIFF'S DEPARTMENT

WHEREAS, by letter dated October 20, 2010 from the Budget Officer and Purchasing Agent, this Legislature is advised that it is necessary to amend the 2010 Budget in connection with funding received from State Criminal Alien Assistance Program for the Herkimer County Sheriff's Department; now, therefore, be it

RESOLVED, that the 2010 Herkimer County Budget is hereby amended as follows:

<u>Revenue</u>	<u>From</u>	<u>To</u>
A3150.4488, Criminal Alien Assistance	\$-0-	\$15,619.00
<u>Appropriation</u>		
A3150.25000, Jail – Other Equipment	\$ 700.00	\$12,882.82
A3150.44000, Jail – Contracted Services	\$28,000.00	\$31,436.18

And, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer and Sheriff.

Dated: October 27, 2010.

LEONARD R. HENDRIX
VINCENT J. BONO
JEFFREY M. STONE
DENNIS KORCE
ROBERT N. HYDE
BRUCE WEAKLEY

**Committee on Public Safety and
Emergency Management**

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

On motion of Mr. Keblish, seconded by Mr. Piseck, Report and Resolution No. 284 of the Committee on County Planning and Development and the Committee on Ways and Means authorizing contract for speaker on bullying was handed up; discussion was held; was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 284

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND
DEVELOPMENT AND THE COMMITTEE ON WAYS & MEANS AUTHORIZING
CONTRACT FOR SPEAKER ON BULLYING**

WHEREAS, by letter dated October 14, 2010 from Gina Giacovelli, Executive Director of the Herkimer County Youth Bureau, this Legislature is advised of a request to enter into a contract in the amount of \$7,000.00 for the provision of a speaking event on the topic of bullying by Jodee Blanco from the Blanco Group, Inc.

WHEREAS, the program will be planned and organized by the Youth Violence Prevention Committee and shall be held at Herkimer County Community College on December 13, 2010 with anticipated attendance by school representatives, youth groups, professionals who work with youth, county personnel and community members; and

WHEREAS, funding for this event will come from funds secured by the Youth Violence Prevention Committee, including an allocation of an Office of Children and Family Services Youth Bureau grant and a grant from the Office of Mental Health; now, therefore, be it

RESOLVED, that this Legislature hereby approves a contract with Jodee Blanco from the Blanco Group, Inc., 16531 106th Court, Suite A1, Orland Park, IL 60467, for the provision of a speaking event on the topic of bullying at a cost of \$7,000.00; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute said contract, subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Executive Director of the Herkimer County Youth Bureau and the Jodee Blanco.

Dated: October 27, 2010.

JOHN J. PISECK, JR.
VINCENT J. BONO
PATRICK E. RUSSELL
BERNARD PEPLINSKI, SR.
FREDERICK J. SHAW, JR.
KURT J. ACKERMAN
**Committee on County Planning and
Development**

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

On motion of Mr. Weakley, seconded by Mr. Bono, Report and Resolution No. 285 of the Committee on County Properties approving sale of parcels acquired by In Rem Tax Foreclosures was handed up; there being no discussion, was voted on and adopted by roll call vote:

For: Piseck, Rose, Keblish, Maneen, Stone, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

No. 285

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PROPERTIES
 APPROVING SALE OF PARCELS ACQUIRED BY IN REM TAX FORECLOSURES**

WHEREAS, by judgment of the Herkimer County Court filed and entered March 31, 2010 in the In Rem Tax Foreclosure Action for the year 2008 the County of Herkimer acquired title to certain parcels of property; and

WHEREAS, this Legislature has been advised that offers have been received for the parcels of property listed below; and

WHEREAS, your Committee has considered the offers, recommends their acceptance and offers the following Resolution:

RESOLVED, that the offers for the following listed parcels of land in the amounts listed be, and hereby are, accepted and the County Attorney’s Office is hereby directed to prepare the usual deed of conveyance for said property to be delivered to the purchasers upon receipt by the County Treasurer of the offered sum, plus recording and transfer fees:

<u>Parcel</u>	<u>Purchaser</u>	<u>Offer</u>
Town of Russia Tax Map No. 073.3-1-40 Rural lot – 1.80 acres	Stephen W. Duesler 8119 State Highway 5 St. Johnsville, NY 13452	\$ 365.81
Town of Schuyler Tax Map No. 112.1-2-14 Single family residence	Edward LeFever 122 Carder Lane Road Frankfort, NY 13340	\$ 50.00
Town of Stark Tax Map No. 134.4-1-36 3252 State Route 80	Joseph Spain 3248 State Rt. 80 Fort Plain, NY 13339	\$ 4,010.00
Town of Webb Tax Map No. 042.30-4-39 Residential vacant land	Jerry Langella 12 Whites Coroner Lane Hopewell Junction, NY 12533	\$ 1,800.00

and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized, upon receipt by the County Treasurer of the aforesaid sums, plus recording fees, to execute said deeds transferring said properties; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Property Agent, County Attorney and above listed purchasers.

Dated: October 27, 2010.

BRUCE WEAKLEY
JOHN J. PISECK, JR.
VINCENT J. BONO
JEAN E. MANEEN
JEFFREY M. STONE
KURT J. ACKERMAN
Committee on County Properties

On motion of Mr. Peplinski, seconded by Mr. Stone, Report and Resolution No. 286 of the Committee on Ways and Means and the Committee on Natural Resources transferring funds in the Sewer District was handed up; there being no discussion, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 286

REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AND THE COMMITTEE ON NATURAL RESOURCES TRANSFERRING FUNDS IN THE SEWER DISTRICT

WHEREAS, your Committee on Ways & Means, to which was referred a communication from the Budget Officer and Purchasing Agent dated October 21, 2010, submitting a request for transfer of funds, reports that we have examined said communication, inquired into the subject matter thereof, recommend that said transfer be made and offer the following Resolution:

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized and directed to transfer the following sums from and to the following accounts:

\$5,000 From: G8130.45000-650 Sewage Plant, Lab Services
 To: G8130-25000 Sewage Plant, Other Equipment

and be it further,

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Auditor, Treasurer, Budget Officer and Chairman of the Herkimer County Sewer District.

Dated: October 27, 2010.

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, Sr.
Committee on Ways & Means

BERNARD Z. PEPLINSKI, SR.
FREDERICK J. SHAW, JR.
DENNIS KORCE
BRUCE WEAKLEY
PETER F. MANNO
JOHN L. BREZINSKI
Committee on Natural Resources

On motion of Mr. Hyde, seconded by Mr. Weakley and Mr. Shaw, Report and Resolution No. 287 of the Committee on Natural Resources and the Committee on Ways and Means fixing time and place for public hearing on the Assessment Roll of the Part County Sewer District was handed up; there being no discussion, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 287

**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES
AND THE COMMITTEE ON WAYS AND MEANS FIXING TIME AND PLACE FOR
THE PUBLIC HEARING ON THE ASSESSMENT ROLL OF THE PART COUNTY
SEWER DISTRICT**

WHEREAS, the Herkimer County Sewer District has prepared an assessment roll pursuant to the provisions of Section 271 of the County Law; and

WHEREAS, this Legislature has been advised that the assessment roll has been submitted to the Herkimer County Budget Officer together with the estimate of revenues and expenditures; and

WHEREAS, the Herkimer County Budget Officer has transmitted the assessment roll together with the tentative budget to the Clerk of the Legislature; now, therefore, be it

RESOLVED, that the Herkimer County Legislature shall cause a notice to be published stating the time, place and purpose of a public hearing on the said assessment roll; and, be it further

RESOLVED, that the Herkimer County Legislature shall hold such public hearing at the Legislators' Chambers in the Village of Herkimer, County of Herkimer, New York, on the 17th day of November, 2010 at 7:15 p.m., pursuant to the provisions of Section 271 of the County Law.

Dated: October 27, 2010.

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

BERNARD PEPLINSKI, SR.
FREDERICK J. SHAW, JR.
DENNIS KORCE
BRUCE WEAKLEY
PETER F. MANNO
JOHN L. BREZINSKI
Committee on Natural Resources

On motion of Mr. Piseck, seconded by Mr. Ackerman and Mr. Shaw, Report and Resolution No. 288 of the Committee on County Planning and Development and the Committee on Ways and Means authorizing an agreement with Herkimer County BOCES for services for WIA-eligible out of school youth in Herkimer County was handed up; there being no discussion, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 288

REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING AN

AGREEMENT WITH HERKIMER COUNTY BOCES FOR SERVICES FOR WIA-ELIGIBLE OUT OF SCHOOL YOUTH IN HERKIMER COUNTY

WHEREAS, by letter dated October 25, 2010 from Karin Zipko, Director of Employment & Training, your Committees have been advised of a request to enter into an agreement between Herkimer County, referred to as the Herkimer-Madison-Oneida Consortium, with Herkimer County BOCES, referred to as Herkimer-Fulton-Hamilton-Otsego BOCES; and

WHEREAS, the purpose of said agreement will be to provide services to WIA-eligible, out of school youth in Herkimer County who are in need of remediation, instruction and career guidance; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute an agreement on behalf of the County of Herkimer, as part of the Herkimer-Madison-Oneida Consortium, with the Herkimer –Fulton-Hamilton-Otsego BOCES to provide services to WIA-eligible out of school youth in Herkimer County, with the terms and conditions of said agreement to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Employment and Training, and Herkimer-Fulton-Hamilton-Otsego BOCES.

Dated: October 27, 2010.

JOHN J. PISECK
VINCENT J. BONO
PATRICK E. RUSSELL
BERNARD E. PEPLINSKI
FREDERICK J. SHAW, JR.
KURT J. ACKERMAN
**Committee on County Planning and
Development**

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

On motion of Mr. Piseck, seconded by Mr. Russell, Report and Resolution No. 289 of the Committee on County Planning and Development authorizing application for matching funds under the State Tourist Promotion Act was handed up; there being no discussion, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 289

REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AUTHORIZING APPLICATION FOR MATCHING FUNDS UNDER THE NEW YORK STATE TOURIST PROMOTION ACT

WHEREAS, the New York State Tourist Promotion Act provides that the State of New York will match funds with the applicant tourist promotion agency, which may include, radio, television, newspapers and magazine advertising; and

WHEREAS, Tourist Promotion Agency means any not-for-profit corporation or other non-profit organization, association or agency, which shall be designated by resolution of the County Legislature as the agency specified in the New York State Tourist Promotion Act, provided that the applicant has operated a tourist promotion program for at least three years prior to the enactment of the Act; and

WHEREAS, the Town of Webb has contacted your Committee by communication dated October 26, 2010 and requested that it be designated by the Herkimer County Legislature as a tourist promotion agency within the meaning of the New York State Tourist Promotion Act for the year 2011; and

WHEREAS, the Town of Webb has advised your Committee that it will appropriate the necessary funds to match the state funds for this Program; now, therefore, be it

RESOLVED:

1. That the Herkimer County Legislature hereby designates the Town of Webb as a tourist promotion agency within the County of Herkimer effective this date within the meaning of the New York State Tourist Promotion Act; and

2. That the Herkimer County Legislature hereby authorizes the Town of Webb to make application for and to receive matching funds under the New York State Tourist Promotion Act for the calendar year 2011;

3. That the Herkimer County Legislature hereby certifies that the Town of Webb has acted as a Tourist Promotion Agency and has been in operation for three years in such capacity prior to the enactment of the said Act;

4. That certified copies of this Resolution be forwarded to the Town of Webb and the New York State I LOVE NY Program.

Dated: October 27, 2010.

JOHN J. PISECK, JR.
VINCENT J. BONO
PATRICK E. RUSSELL
BERNARD PEPLINSKI, SR.
FREDERICK J. SHAW, JR.
KURT J. ACKERMAN
**Committee on County Planning and
Development**

On motion of Mr. Russell, seconded by Mr. Piseck, Report and Resolution No. 290 of the Committee on County Planning and Development and the Committee on Ways and Means concerning guarantee of 2011 Tourism Matching Funds was handed up; there being no discussion, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 290

REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AND THE COMMITTEE ON WAYS AND MEANS CONCERNING GUARANTEE OF 2011 TOURISM MATCHING FUNDS

WHEREAS, the New York State Tourist Promotion Act provides that the State of New York will match funds with the applicant tourist promotion agency, which may include radio, television, newspapers and magazine advertising; and

WHEREAS, by letter dated October 26 , 2010 from the Town of Webb, this Legislature is advised of a request to authorize the Chairman of this Legislature to send a letter to the New York State Department of Economic Development "I Love NY" Campaign to guarantee Herkimer County's 2011 matching funds in the amount of \$64,420.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to send a letter to the New York State Department of Economic Development "I Love NY" Campaign to guarantee Herkimer County's 2011 matching funds in the amount of \$64,420.00; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Town of Webb and the New York State Department of Economic Development.

Dated: October 27, 2010.

JOHN J. PISECK
VINCENT J. BONO
PATRICK E. RUSSELL
BERNARD E. PEPLINSKI
FREDERICK J. SHAW, JR.
KURT J. ACKERMAN
**Committee on County Planning and
Development**

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

On motion of Mr. Peplinski, seconded by Mr. Shaw and Mrs. Maneen, Resolution No. 291 of the Committee on Administration/Veterans' Affairs opposing proposed federal For: All ayes (17).

Against: None.

Absent: None.

handed up; there being no discussion, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 291

RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES AND THE COMMITTEE ON ADMINISTRATION/VETERANS' AFFAIRS OPPOSING PROPOSED FEDERAL REGULATIONS AFFECTING NEW YORK FARMING PRACTICES IN THE SUSQUEHANNA RIVER WATERSHED

WHEREAS, the U.S. Environmental protection Agency is implementing a Chesapeake Bay Regulatory Proposal which imposes new and costly federal regulations on approximately 19 counties, 650,000 residents and 2,000 New York family farms within the Susquehanna River portion of the Chesapeake Bay watershed area; and

WHEREAS, New York accounts for 10% of the total watershed area which is 76% forested, is home to 4% of the total population in the watershed with agriculture being the dominant business sector; and

WHEREAS, the proposal is intended to limit nitrogen, phosphorous and sediment discharges in to the Chesapeake Bay watershed, is now projected to cost New York State as much as \$250 million over the next 15 years, without being able to satisfy EPA's regulatory goal; and

WHEREAS, EPA's proposed regulations impose disproportionately heavier restrictions for water quality in New York in order to help other states meet their overall goal; and

WHEREAS, even if other states achieve their EPA mandated allocations by 2025, their water would still contain higher nutrient loads per acre than New York's current 2010 load per acre; and

WHEREAS, even with the elimination of animal agriculture and utilizing every best management practice available in the watershed area, New York would still not be able to meet EPA's regulations; now, therefore, be it

RESOLVED, that the Herkimer County Legislature objects to the unfair and unattainable mandate the Chesapeake Bay regulations force upon our local governments, local communities and family farms; and, be it further

RESOLVED, that the Herkimer County Legislature urges its Congressional and State representatives to intercede with EPA, and enact superseding legislation if required, to delay implementation of the Chesapeake Bay regulations and request that EPA report to them on their response and adaptations regarding the aforementioned concerns; and, be it further

RESOLVED, that a copy of this Resolution be forwarded to U.S. Senators Charles Schumer and Kirsten Gillibrand, Congressman Michael Arcuri, Governor David Paterson, State Senator James L. Seward, Assemblyman Marc W. Butler, Commissioner of the NYS Department of Agriculture and Markets, commissioner of the NYS Department of Environmental Conservation, EPA Region 2 Administrator Judith Enck and the Herkimer County Farm Bureau.

Dated: October 27, 2010.

BERNARD PEPLINSKI, SR.
FREDERICK J. SHAW, JR.
DENNIS KORCE
BRUCE WEAKLEY
PETER F. MANNO
JOHN L. BREZINSKI
Committee on Natural Resources

JEAN E. MANEEN
BRUCE WEAKLEY
FREDERICK J. SHAW, JR.
PETER F. MANNO
STEPHEN N. KEBLISH, JR.
JOHN L. BREZINSKI
**Committee on Administration/
Veterans' Affairs**

On motion of Mr. Hendrix, seconded by Mr. Russell, Resolution No. 292 of the Committees on Public Safety/Emergency Management and Ways & Means approving proposal from LaBella Associates, P.c. for percolation test at P & C site for New Herkimer County Correctional Facility was handed up; discussion was held, was voted on and adopted by roll call vote:

For: Piseck, Keblish, Maneen, Stone, Hendrix, Hyde, Manno, Smith, Bono, Ackerman, Peplinski, Russell, Shaw, Weakley (14).

Against: Rose, Brezinski, Korce (3).

Absent: None.

No. 292

**RESOLUTION OF THE COMMITTEES ON PUBLIC SAFETY/EMERGENCY
MANAGEMENT AND WAYS & MEANS APPROVING PROPOSAL FROM LABELLA
ASSOCIATES, P.C. FOR PERCOLATION TEST AT P&C SITE FOR NEW
HERKIMER COUNTY CORRECTIONAL FACILITY**

WHEREAS, by Resolutions 53 and 88 of 2009, this Legislature approved a contract with LaBella Associates, P.C., in connection with environmental, SEQRA and site related architectural/engineering services to move forward with preliminary investigations of the former P&C site on State Route 28 in the Village of Herkimer; and

WHEREAS, your committees have been advised by proposal from LaBella Associates, P.C., that it is now necessary to a perform an on-site Percolation Test to determine the feasibility of an on-site disposal system for a fee of \$8,500.00 including expenses which have been budgeted at \$600.00; and

WHEREAS, your committees have recommended said proposal be accepted, with the County to retain the ability to terminate said contract at any stage; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a contract with LaBella Associates, P.C., 300 State Street, Suite 201, Rochester, New York 14614,

for a contract amount of \$8,500, in connection with the performance of an on-site Percolation Test at the former P&C site on State Route 28 in the Village of Herkimer, to determine the feasibility of an on-site disposal system for the new correctional facility, with the final contract to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer and LaBella Associates, P.C.

Dated: October 27, 2010.

LEONARD R. HENDRIX
VINCENT J. BONO
JEFFREY M. STONE
DENNIS KORCE
ROBERT N. HYDE
BRUCE WEAKLEY
Committee on Public Safety/Emergency
Management

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, Sr.
Committee on Ways & Means

On motion of Mr. Bono, seconded by Mr. Peplinski, Resolution No. 293 of the Committee on Ways & Means establishing annual salaries of some elected officials and certain county officers appointed for a fixed term during their term of office and setting date for public hearing was handed up; there being no discussion, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 293

RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS SETTING DATE FOR PUBLIC HEARING ON ESTABLISHING ANNUAL SALARIES OF SOME ELECTED OFFICIALS AND CERTAIN COUNTY OFFICERS APPOINTED FOR A FIXED TERM DURING THEIR TERM OF OFFICE

We, the Committee on County Personnel of the Herkimer County Legislature, are causing to be prepared and will present Introductory Local Law No. 3 for the year 2010 to establish annual salaries of some elected officials and certain county officers appointed for a fixed term during their term of office, and setting the date for the statutory public hearing thereon, and offer the following Resolution:

RESOLVED:

1. That a proposed local law establishing salaries of some elected officials and certain county officers will be prepared by this Committee, and that a public hearing will be held on the proposed local law at a meeting of the Herkimer County Legislature, on the 17th day of November, 2010, at 7:00 p.m. in the Legislative Chambers of the County Office Building in the Village of Herkimer, New York;

2. That this County Legislature designates your Committee on Ways and Means as the Committee to hold the public hearing on the adoption of said act;

3. That at least five days prior to such public hearing the Clerk of this Legislature shall post a notice of such hearing upon the bulletin board in the Courthouse and cause to be published said notice at least once in the Little Falls Evening Times and the Herkimer Evening Telegram;

4. That the Clerk of this Legislature shall place a copy of said act on the desks of the members of this County Legislature at least seven calendar days, exclusive of Sunday, prior to its final adoption;

5. That if said local law be finally adopted, the Clerk of this Legislature shall file one certified copy thereof in the Office of the County Clerk, one in the Office of the Secretary of State and publish said local law as required by law.

Dated: October 27, 2010.

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSK, SR.
Committee on Ways and Means

On motion of Mrs. Maneen, seconded by Mr. Weakley, Resolution No. 294 of the Committee on Administration/Veterans' Affairs and the Committee on Natural Resources expressing support of the Adirondack Park Local Government Review Board was handed up; there being no discussion, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 294

RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS' AFFAIRS AND THE COMMITTEE ON NATURAL RESOURCES EXPRESSING SUPPORT OF THE ADIRONDACK PARK LOCAL GOVERNMENT REVIEW BOARD

WHEREAS, the level of support for the Adirondack Park Local Government Review Board has been questioned; and

WHEREAS, the suggestion has been made that the Adirondack Park Local Government Review Board is not representing the local governments of the Adirondack Park; and

WHEREAS, this Legislature has determined that it is imperative to set the record straight; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby records its support for the Adirondack Park Local Government Review Board; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Governor David Paterson, Senator James L. Seward, Assemblyman Marc W. Butler, the Chairman of the Adirondack Park Agency, Intercounty Legislative Committee of the Adirondacks, NYSAC and the Adirondack Park Local Government Review Board.

Dated: October 27, 2010.

JEAN E. MANEEN
BRUCE WEAKLEY
FREDERICK J. SHAW, JR.
PETER F. MANNO
STEPHEN N. KEBLISH, JR.
JOHN L. BREZINSKI
**Committee on Administration/Veterans'
Affairs**

BERNARD PEPLINSKI, SR.
FREDERICK J. SHAW, JR.
DENNIS KORCE
BRUCE WEAKLEY
PETER F. MANNO
JOHN L. BREZINSKI

Committee on Natural Resources

Chairman Smith stated that pursuant to Rule 6(12) they would proceed with comments by legislators. The following legislators had further comments: Chairman Smith, Mr. Piseck, Mr. Brezinski, Mr. Ackerman, Mr. Hendrix, Mr. Stone, Mrs. Rose, Mr. Bono.

Chairman Smith requested the students in attendance to stand and state their name and what school they were from.

At 8:37 p.m., on motion of Mr. Manno, seconded by Mr. Stone and Mr. Piseck, the Legislature adjourned to Wednesday, November 17, 2010 at 7:30 p.m., with a Public Hearing on Introductory Local Law No. 4 for 2010 at 7:00 p.m. and a Public Hearing on the Sewer District Assessment roll at 7:15 p.m.